

Message Text

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ORIGIN ARA-10

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TO AMEMBASSY SANTIAGO

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E.O. 11652: N/A

TAGS: PFOR, OAS

SUBJECT: SAN JOSE CONFERENCE (RIO TREATY)

REF: SANTIAGO 3904

1. PLEASE TELL AMBASSADOR BERNSTEIN WE LOOK FORWARD TO WORKING WITH HIM AND BENEFITING FROM HIS GREAT EXPERIENCE AT THE SAN JOSE CONFERENCE. THE FOLLOWING RESPONSES ARE KEYED TO HIS QUESTIONS IN PARAGRAPH FOUR OF REFTEL.

A. THE U.S. AIM IN PROPOSING INCLUSION OF BOTH RECOMMENDATORY MEASURES AND QTE CONCILIATORY OR PEACEKEEPING STEPS UNQTE (ART. 8) WAS TO STRENGTHEN THE TREATY AND MAKE IT MORE FLEXIBLE. IN FACT, MEMBERS HAVE LONG RECOGNIZED AN IMPLICIT AUTHORITY FOR RECOMMENDATIONS AND FOR OTHER STEPS SHORT OF MEASURES PROVIDED FOR EXPLICITLY IN ARTICLE 8 AT PRESENT. FOR EXAMPLE, THE MEASURES TAKEN IN THE CASE OF THE CUBA MISSILE CRISIS IN 1962 WERE RECOMMENDATORY. AND CONCILIATORY OR PEACEKEEPING

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STEPS HAVE BEEN THE RULE IN RIO TREATY PRACTICE AND

ARTICLE 8-TYPE MEASURES THE RELATIVELY RARE EXCEPTION.
WE BELIEVE EXPLICIT PROVISION FOR THESE OPTIONS WILL
CLARIFY, BEYOND THE DOUBTS OF SKEPTICAL LAWYERS, THAT
THE RIO TREATY HAS ALTERNATIVES TO OBLIGATORY SANCTIONS.
THIS IS MADE PARTICULARLY IMPORTANT BY THE INEFFECTIVENESS
OF THE INTER-AMERICAN SYSTEM'S PEACEFUL SETTLEMENT
MACHINERY (PACT OF BOGOTA, INTER-AMERICAN PEACEFUL
SETTLEMENT COMMITTEE, ETC.).

B. THE VOTING REQUIREMENT IN THE SAN JOSE CONFERENCE
IS NOW BEFORE THE PERMANENT COUNCIL. LIKE CHILE,
WE FAVOR THE TWO-THIRDS REQUIREMENT.

C. WE ALSO FAVOR REQUIRING RATIFICATION OF TWO-THIRDS
OF THE SIGNATORIES BEFORE THE PROTOCOL OF AMENDMENT
WOULD GO INTO EFFECT. KISSINGER

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